BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

REGULAR MEETING AGENDA (AMENDED PAGE 5)

OCTOBER 1, 2008 7:30 PM COURTHOUSE COUNCIL CHAMBERS

ROLL CALL				
PRAYER				
	THE MINUTES OF THE TING OF SEPTEMBER 17, 2008			
ITEMS NOT ON T	,			
PUBLIC COMME				
CHIEF EXECUTI	VE'S REPORT			
SECTION I	CONSENT AGENDA			
2. F 3. J	COMMITTEE OF THE WHOLE MEETING REPORT INANCE AND BUDGET COMMITTEE MEETING REPORT UDICIARY COMMITTEE MEETING REPORT UBLIC WORKS COMMITTEE MEETING REPORT			
В.	COMMUNICATIONS			
1. 08-658	Rick Larson, Health Officer, regarding awarding of contracts for soil remediation activities to low bidders. Recommendation: note and place on file.			
2. 08-659	Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign New Merchant Application. Recommendation: concur and place on file.			
3. 08-660	John P. Walsh, LED, requesting authorization for Chief Executive to sign STEP Grant Contract Recommendation:			

Concur and place on file.

- 4. 08-661 Jon Sesso, Planning Director, requesting authorization for Chief Executive to renew Maintenance Contracts with Electronic Data Systems and ESRI for 2008-2009. **Recommendation:**Concur and place on file.
- 5. 08-662 Theresa McCarthy, Manager, requesting authorization for Chief Executive to sign contract with Human Resources Council District XII. **Recommendation: concur and place on file.**
- 6. 08-663 Josh M. Peck, Christmas Stroll Coordinator, requesting street closures for Christmas Stroll 12/5/08 and also extra sand on Park between Main and Wyoming. Recommendation: refer to Committee of the Whole while going through the process.
- 7. 08-664 Jon C. Sesso, Planning Director, requesting authority to accept properties and record quit claim deeds from Silver Bow Water, Inc. **Recommendation: concur and place on file.**
- 8. 08-665 John P. Walsh, Sheriff, requesting waiver of sick leave grant requirement and approval to use 160 hours sick leave donation for Peggy Leary. **Recommendation: Refer to Personnel Committee.**
- 9. 08-666 Bill Melvin, requesting authorization for Chief Executive to sign contract with Ingraham Environmental, Inc. for removal of asbestos located in Civic Center Boiler Room.

 Recommendation: concur and place on file.
- 10. 08-667 Dave Fawcett, Technical Review Committee Chairman, regarding awarding of contract of construction and renovation of Archives Building to Oswood Construction Company. Recommendation:

 Place on file. Action already taken at 9/24/08 Committee of the Whole.
- 11. 08-668 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign letter of agreement with Hinick Associates regarding the entrance renovations project at Butte-Silver Bow Water Company Building. **Recommendation: concur and place on file.**
- 12. 08-669 Bill Melvin, Civic Center Manager, requesting authorization for Chief Executive to sign warranty with Dow Roofing Systems for New roof at Butte-Silver Bow Health Department Building.

 Recommendation: concur and place on file.

- 13. 08-670 Tim Clark, Personnel Director, requesting authorization for Chief Executive to sign settlement agreement with Butte Painters' Union, Local No. 720. **Recommendation: concur and place on file.**
- 14. 08-671 Karen Byrnes, Community Development Director, requesting time on 10/15/08 agenda to present a report on the Urban Revitalization Agency's activities for FY 2007-2008.

 Recommendation: refer to Committee of the Whole for presentation.
- 15. 08-672 Karen Byrnes, Community Development Director, requesting Council approval of Community Enrichment Committee Recommended by the Community Enrichment Committee Recommendation: concur and place on file.
- 16. 08-673 Dan Dennehy, Interim Public Works Director, requesting authorization for Chief Executive to enter into amended contract with Army Corp. of Engineers. **Recommendation: concur and place on file.**
- 17. 08-674 Tim Clark, Personnel Director, requesting authorization for Chief Executive to sign settlement agreement with Butte Police Protection Association. **Recommendation: concur and place on file.**
- 18. 08-675 Karen Byrnes, Community Development Director, requesting authorization for Chief Executive to sign agreement with Butte Security, LLC. for alarm system at the Business Development Center. **Recommendation: concur and place on file.**
- 19. 08-676 Robert M. McCarthy, County Attorney, regarding street and alley vacation form. **Recommendation: concur and place on file.**
- 20. 08-677 Robert M. McCarthy, County Attorney, requesting authorization for Chief Executive to sign lease agreement with Xerox.

 Recommendation: concur and place on file.
- 21. 08-678 Rick Larson, Director of Public Health, requesting approval of of line item budget transfers. **Recommendation: refer to Finance and Budget Committee.**
- 22. 08-679 Stephen D. Hess, Assistant Planning Director, requesting approval of Preliminary Plat of the Perry's Lode Minor Subdivision.

Recommendation: concur and place on file.

- 23. 08-680 Jeff Amerman, Finance and Budget Director, requesting authorization of Chief Executive to sign engagement letter with Glick Consulting Group. **Recommendation: concur and place on file.**
- 24. 08-681 Tim Clark, Personnel Director, requesting authorization for Chief Executive to sign settlement agreement with Liuna, Local #1686. **Recommendation: concur and place on file.**
- 25. 08-682 Karen Byrnes, Director Community Development Department, requesting authorization for Chief Executive to sign contract with Dave Svejkovsky Construction, Inc. **Recommendation: concur and place on file.**
- 26. 08-683 Paul Babb, Chief Executive, requesting concurrence in appointment of Gayle Astle to the Board of Health.

 Recommendation: concur and place on file.
- 27. 08-684 Paul Babb, Chief Executive, requesting concurrence in reappointments to Butte-Silver Bow Public Library Board. **Recommendation: concur and place on file.**
- 28. 08-685 Dr. Alex Philp, Chairman and President, requesting time on the 10/15/08 agenda to present a proposal and funding request from the Rocky Mountain Supercomputer Center, Inc.

 Recommendation: refer to Committee of the Whole.
- 29. 08-686 Rick Larson, Heath Officer, regarding awarding work at Kelley Warehouse to Earhart Builders, low bidder. **Recommendation:** Note and place on file.

SECTION II

ORDINANCES AND RESOLUTIONS – REFERRED TO JUDICIARY

1. COUNCIL BILL NO. 08-5 ORDINANCE NO. 08-5

AN ORDINANCE AMENDING SECTION 2 OF THE BUTTE-SILVER BOW ORDINANCE NO. 134 AND SECTION 2.04.010 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC); ADJUSTING THE ANNUAL SALARIES OF THE CHIEF EXECUTIVE, COUNTY ATTORNEY, SHERIFF, CLERK AND RECORDER, TREASURER, ASSESSOR, CITY JUDGE.

JUSTICE OF THE PEACE, AUDITOR, SUPERINTENDENT OF SCHOOLS, CLERK OF THE DISTRICT COURT, CORONER AND MEMBERS OF THE COUNCIL OF COMMISSIONERS AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

2. COUNCIL BILL NO. 08-6 ORDINANCE NO. 08-6

AN ORDINANCE AMENDING ORDINANCE NO. 479 AND CHAPTER 3.12 OF THE BUTTE-SILVER BOW MUNICIPAL CODE (B-SB MC) ENTITLED" CONTRACT PURCHASES"; AMENDING SECTIONS 3.12.012 AND 3.12.030, B-SB MC; ADDING A NEW SECTION TO BE NUMBERED 3.12.013, B-SB MC AND ENTITLED "PURCHASE REQUIREMENTS"; ADDING A NEW SECTION TO BE NUMBERED 3.12.014, B-SM MC AND ENTITLED "MISTAKES AND MINOR VARIATIONS IN BIDS AND OFFERS: AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

3. COUNCIL RESOLUTION NO. 08-82

A RESOLUTION APPROVING A 15 FOOT BY 100 FOOT GRANT OF EASEMENT TO NORTHWESTERN CORPORATION D/B/A NORTHWESTERN ENERGY, A DELAWARE CORPORATION, IN THE NORTHEAST QUARTER OF SECTION 13, TOWNSHIP 3 NORTH, RANGE 8 WEST, P.M.M., DESCRIBED AS LOT 14 IN BLOCK 11 OF THE ORIGINAL BUTTE TOWNSITE FOR THE LOCATION OF AN OVERHEAD POWER LINE EASEMENT AND NECESSARY APPURTENANCES; FINDING THE NECESSARY FACTS FOR THIS RESOLUTION AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

4. COUNCIL RESOLUTION NO. 08-86

A RESOLUTION ESTABLISHING CRITERIA FOR THE CLASSIFICATION OF UNSOLD TAX-DEED LANDS; DETERMINING THAT CERTAIN PROPERTY SHOULD BE HELD IN CITY-COUNTY OWNERSHIP BECAUSE OF COMPELLING PUBLIC INTEREST; ORDERING CERTAIN PARCELS OF REAL PROPERTY BE HELD IN CITY-COUNTY OWNERSHIP; AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

5. COUNCIL RESOLUTION NO. 08-87

A RESOLUTION ACCEPTING THE DONATION OF PARCEL 1-B OF CERTIFICATE OF SURVEY NO. 873-B TO THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

6. COUNCIL RESOLUTION NO. 08-88

A RESOLUTION GRANTING CONDITIONAL APPROVAL OF THE PRELIMINARY PLAT OF THE PERRY'S LODE MINOR SUBDIVISION OF THE CITY AND COUNTY OF BUTTE-SILVER BOW, STATE OF MONTANA; PROVIDING FOR THE REPEAL OF ALL PARTS OF RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE HEREIN.

SECTION III CALENDAR OF OTHER MEETING AND EVENTS

Oct. 6	Airport Authority	Noon	Bert Mooney Airport
Oct. 7	Historic Preservation Commission	5:30PM	1st Floor Conference Room
Oct. 8	Library	5PM	Library Building
Oct. 8	Fair Board	5:30PM	Business Development Center
Oct. 8	Fire Advisory Council	5PM	lst Floor Conference Room
Oct. 8	Law Enforcement Commission	4PM	Chief Executive's Conference Room
Oct. 13	Archives	Noon	Archives Center
Oct. 14	Housing Authority	5:30PM	Silver Bow Homes Housing
Oct. 14	Parks and Recreation	4:15PM	Civic Center Conference Room
Oct. 14	Technical Review Committee	1:30PM	Water Company Building
Oct. 15	Community Enrichment	10:00AM	Health Department
Oct. 15	Parking Commission	3:30PM	Chief Executive's Conference Room
Oct. 16	Zoning Board of Adjustment	5:30PM	Council Chambers
Oct. 20	Airport Authority	Noon	Bert Mooney Airport
Oct. 22	TFID Board	11:30AM	Business Development Center
Oct. 22	Local Emergency Planning Committee	Noon	lst Floor Conference Room
Oct. 22	Planning Committee	Noon	Hub Center
Oct. 22	Port of Montana	Noon	Hub Center
Oct. 22	Urban Revitalization	9AM	1 st Floor Conference Room
Oct. 23	Business Development Center	10AM	Business Development Center

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COMMITTEE OF THE WHOLE MEETING REPORT SEPTEMBER 24, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Committee of the Whole Committee, respectfully recommend as follows:

SECTION I

INFORMATIONAL REPORTS COMMUNICATION NO. 08-588

Charlie O'Leary, Chairman Council of Commissioners, requesting concurrence in setting 9/24/08 as the date for reports from 2007 recipients of Economic Development Mill Levy and to set 10/15/08 as deadline for submissions for 2008 Mill Levy money.

Chairman O'Leary called on those in the audience who were recipients of the Economic Development Mill Levy money. The following came forward:

Mainstreet Uptown Butte

George Everett, 66 W, Park Street, Suite 200, the Executive Director of Mainstreet Uptown Butte came to the microphone and handed out a packet to the commissioners. He said they were awarded \$25,000 in last year's round of funding. He said they requested it to help develop and implement the National Folk Festival. Our success is thanks in large part to the fact that Butte is a perfect fit for this festival. Next July we expect from the feedback we have gotten so far for the size of the event to double. They estimated that the average attendee spent an average of \$164.10 as a result of their visit in Butte. We estimate that the economic impact is \$7.5 to 8 million dollars.

Evel Knievel Days

Mark James, Vice President of Evel Knievel Days, said that each year their event gets larger and larger. Our event is free to the public. We used the money we received this year for our insurance. The \$6,500 that was left was used for the porta potties. The people that attended spent \$94,279.00 for motels, restaurants and auto rental.

World Museum of Mining

Tina Green, with the World Museum of Mining, said they were very fortunate to receive \$91,000.00 from the Economic Development Money. We had asked for funding for four projects. With the money we received we were successful in completing three of the four projects. One of the bigger projects for us was our web site development. The museum had a web site in place that wasn't very user friendly. As a result of the many complaints and issues we had with it, we had to take it off line. We used some of the money to develop a new web site which has been very successful. Another project that we used money on was the Miners' Memorial Project. We used it as start-up money for this project. We used it for the seed money for our initial advertising and our fund raising campaign. The Miners' Memorial Project is probably the most successful project the Museum has ever undertaken. The third project that we used the money for was just general advertising, marketing for the museum. We were able to expand our advertising dollars into some more nationwide advertising. were also able to redevelop and produce our brochures. By the season end we are predicting about a 15% increase in visitors through the gate and with gas prices and other economic factors I think that is a pretty good number. We have had special events that people found us through the web or our advertising. A lot of the folks that come to the museum are also seeing other sights in town. They are staying for a day or two. On the Fourth of July we hosted the Obama family and some of their staff.

Digger Athletic Association

Joe McClafferty, Director of Athletics at Montana Tech, said they received \$2,500.00. We started tailgating about two years ago and it has really grown. Our last two home games we've had in excess of 5,000 people at our first home game. We use the money for the bands we bring it. We will have six bands that come in and play.

Currently, we have \$900.00 spent. The money that we have left will exhaust with the bands and the generator we have to have for them to play. We have noticed that by turning these into events our attendance has gone up. We've had to hire security. We brought on additional police. We started a shuttle bus system. Local vendors are being hired by tailgaters. They have a career fair on campus. The renting of porta potties, dumpsters, additional signage that we have had to create – we've bought canopies and tents locally. We've seen parents whose child played at Montana Tech coming back because they want to be a part of the party.

An Ri'Ra

Brendan McDonough, 1911 Argyle Street, said he is on the Executive Committee for the Irish Festival. This last year we received \$9,500.00 from the Economic Levy Mill Fund which we used for our stage roof cover and light contract. The fee for that is about a \$10,500.00 contract. Of the \$9,500.00 that we received it all went to that contract. It is very crucial that we receive funding and we're very thankful for that. We were down \$20,000 this last year. We did not receive funding. We did not apply with the URA because of their guidelines and rules. We started the year off less \$20,000. Last year we received \$3,500 from the Economic Mill levy fund and we were very appreciative of the increase this year of \$9,500.00. It helps us cover major expenses. We received great support from our sponsors in the community. We also received great support from Culture Ireland which is a grant funding program by the Irish government which supports festivals of their choosing for cultural events on a world wide basis. We were able to pay all our bills and we will be fine for next year.

Butte-Silver Bow Arts Foundation

Glen Bodish, Executive Director of the Butte-Silver Bow Arts Foundation, handed out his annual report and introduced Shawn Crowe, their Education Director. They run 70 events a year. In the past year they have completed first floor gallery renovations. We have a studio space there which we have rented out to Butte Photos and Prints. They have completed renovations of the floor hallway and the bathrooms. We have 20 businesses paying rent. The money from the council helps support all of those businesses to pay exorbitant electric heating bills. Most of these are non-profits. We have been able to get a contract with Youth Court. We are starting education programs with those kids in training them how to do restoration work on buildings. We will start our after school program this year. He told of their other programs. Because of this type of funding we are able to do this.

SECTION II

COMMUNICATION NO. 08-274

Jon Sesso, Planning Director, requesting time on 4/16/08 agenda for a staff presentation on draft plan for long-term future of the Natural Resource Damage Program. *Committee recommends to hold Communication No. 08-274 in abeyance.*

SECTION III

COMMUNICATION NO. 08-498

Charlie O'Leary, Chairman Council of Commissioners, requesting concurrence in referring to Chuck Carrig, Historic Preservation Office to do an initial review and inventory of premises of the Pump Station at Divide. *Committee recommends to place Communication No. 08-498 on file.*

SECTION IV

COMMUNICATION NO. 08-516

Sarah Weber, Lead Employment Specialist, requesting a business fee exemption for Workers Now, a non-profit branch of Western Montana Mental Health Center. *Committee recommends to concur and place on file*.

SECTION V

COMMUNICATION NO. 08-519

Deyda Gonzalez and Mark T. Redwine, requesting help and guidance in forming the Montana Latino/Hispanic Historical Heritage and Cultural Preservation Society. *Committee recommends to hold Communication No. 08-519 in abeyance.*

SECTION VI

COMMUNICATION NO. 08-585

Jeff Amerman, Finance and Budget Director, requesting time on 8/20/08 agenda to make a presentation on FY 2008-2009 preliminary budget. *Committee recommends to place on file.*

SECTION VII

COMMUNICATION NO. 08-587

Jeff Amerman, Finance and Budget Director, requesting time on 9/10/08 agenda to conduct a public hearing regarding the FY 2008 – 2009 Preliminary Budget. *Committee recommends to place on file.*

SECTION VIII

COMMUNICATION NO. 08-640

Jon Sesso, Planning Director, requesting authority to advertise bid to construct Butte Welcome Monuments Project and schedule bid opening for 10/8/08. *Committee recommends to hold Communication No. 08-640 for bid opening on 10/22/08*

SECTION IX

COMMUNICATION NO. 08-653

Technical Review Committee for Butte-Silver Bow Archives, requesting concurrence to award contract to rehabilitate Archives Building and construct vault addition to Swank Enterprises, low bidder. **Committee**

recommends to concur with awarding contract of Oswood Construction and place on file.

SECTION X

COMMUNICATION NO. 08-654

Rob Macioroski, Director Land Records, requesting authorization for Chief Executive to sign survey for High Service Reservoir and direct County Attorney to prepare the resolution and deed for transfer of additional land from Shane Hollingsworth to Butte-Silver Bow. *Committee recommends to hold for resolution and deed transfer.*

SECTION XI

COMMUNICATION NO. 08-588

Charlie O'Leary, Chairman Council of Commissioners, requesting concurrence in setting 9/24/08 as date for reports from 2007 recipients of Economic Development Mill Levy Money and to set 10/15/08 as deadline for submissions for 2008 Mill Levy Money. *Committee recommends to hold Communication No. 08-588 in abeyance.*

FINANCE & BUDGET COMMITTEE MEETING REPORT SEPTEMBER 24, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Finance and Budget Committee, respectfully recommend as follows:

NOTE: There are no agenda items for this Committee this week.

SECTION I EXPENDITURE APPROVAL

September 17, 2008 \$5,555.56 Expenditure report for FY 07-08

Expenditure report for FY 08-09 \$289,041.71

September 24, 2008

Expenditure report for FY 07-08 \$4,733.88

Expenditure report for FY 08-09 \$1,623,009.95

JUDICIARY COMMITTEE MEETING REPORT SEPTEMBER 24, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Judiciary Committee, respectfully recommend as follows:

SECTION I COMMUNICATION NO. 08-421

Michelene Boysza, Vice President Highland View Golf Club, requesting council consider an application for a golf course beer and wine license. Committee recommends that Communication No. 08-421 be held in abeyance for three weeks.

SECTION II COMMUNICATION NO. 08-634

Tony Schoonen, Chairman Homeowners Association, requesting Council designate the Dawson Loop Road as a public right of way. *Committee recommends that Communication No. 08-634be referred to Public Works for review and consideration/action.*

SECTION III COUNCIL RESOLUTION NO. 08-83

A RESOLUTION TO CREATE A CAPITAL PROJECT FUND FOR THE BUTTE-SILVER BOW PUBLIC LIBRARY AND TO AUTHORIZE THE TRANSFER OF FUNDS TO BE DEPOSITED IN THE GENERAL FUND LIBRARY DEPRECIATION AND RESERVE FUND AND PROVIDING FOR AN EFFECTIVE DATE HEREIN. Committee recommends that Council Resolution No. 08-83 be held in abeyance for three weeks.

SECTION IV CLAIM APPROVAL 11871 David Ryan \$1,000.00 Alley opening bond refund Ron Zeiler \$1,000.00 Street opening bond refund 11872 1647 Pam Forest \$200.00 Demo bond refund \$148.43 **Building Permit partial refund** 1648 David Deacon

Committee recommends approval of above claims.

PUBLIC WORKS COMMITTEE MEETING REPORT SEPTEMBER 24, 2008

TO THE HONORABLE CHIEF EXECUTIVE AND MEMBERS OF THE BUTTE-SILVER BOW COUNCIL OF COMMISSIONERS

Ms. Shaw and Gentlemen:

We, your Public Works Committee, respectfully recommend as follows:

SECTION I

PETITION NO. 08-7

John Harrington, Building Official, requesting on behalf of Galena Street LLC to close and vacate a portion of undeveloped E. Galena Street and alley within lots on Yellow Jack Lode, Block 3 and portion of Ohio Avenue in Kings Addition #2, Block 7. **Committee recommends that Petition No. 08-7 be held in abeyance.**

SECTION II

PETITION NO. 08-9

John Harrington, Building Official, requesting on behalf of 4 S LLC to close and vacate a portion of the alley within Block 1 of the Trask Addition. Committee recommends that Petition No. 08-9 be held in abeyance pending resolution.

SECTION III

COMMUNICATION NO. 08-95

Virginia Hanson, Risk Management Coordinator, requesting traffic study be conducted by MDOT on Continental Drive from East Lake to Four Mile Road. *Committee recommends that Communication No. 08-95 be held in abeyance.*

SECTION IV

COMMUNICATION NO. 08-147

Wally Frasz, Commissioner District #6, requesting a traffic study be one where Rowe Road turns into Holmes Avenue and also the intersection of Lexington and Rowe Road. *Committee recommends that Communication No. 08-47 be held in abeyance.*

SECTION V

COMMUNICATION NO. 08-537

Robert A. Macioroski, Director, regarding request for power line easement from Northwestern Energy. *Committee recommends that Communication No. 08-537 be held in abeyance pending resolution.*

SECTION VI COMMUNICATION NO. 08-601

Glen Granger, Commissioner District 1, requesting three traffic studies be conducted on the intersections of Tranquility, Meadowlark and Green Lane and Holly Lane and Blacktail Lane and Galaxy and Milky Way. Committee recommends approval of stop signs and refer to County Attorney to prepare a resolution. Mr. Dennehy to provide County Attorney with a report.

SECTION VII COMMUNICATION NO. 08-632

Gene Whelchel, regarding charges by Water Division for disconnect fee for repairing water line at 1843 Phillips Avenue. *Committee recommends that Communication No. 08-632 be placed on file.*

SECTION VIII COMMUNICATION NO. 08-636

Joe Lee, Commissioner District #2, requesting a traffic study/intersection of State and Sherman Streets. Committee recommends placement of a 2-way stop sign at the SW corner and NE corner on State Street at intersection at Sherman